

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 SAJ-01 ACDA-19 IO-12 MBFR-03 GAC-01

CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 SCA-01 RSR-01 /130 W
----- 006499

R 081720 Z MAY 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 4912

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION BERLIN

USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 BONN 6606

E. O. 11652: GDS

TAGS: GE, GW, WB, PGOV, US, UR, FR, UK

SUBJECT: CONSULAR COMPETENCE IN GDR

REF: (A) BONN 5761; (B) NATO 2043; (C) BERLIN 694

SUMMARY: AT TRIPARTITE MEETING ON MAY 4, EMBASSY REPS
REVIEWED PAPER ON CONSULAR COMPETENCE PREPARED BY BERLIN
MISSIONS (REF C) AND APPROVED SLIGHT REVISIONS OF THE
RECOMMENDATIONS CONTAINED THEREIN FOR RECOMMENDATION TO
CAPITALS. UK REP ALSO REQUESTED ALLIED VIEWS ON STATE-
MENT OF THEIR RESPECTIVE MISSIONS IN BERLIN AND SUG-
GUESTED THAT THE PAPER ON CONSULAR COMPETENCE BE SENT
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FROM OTHER ALLIES. US AND FRENCH REPS SAID THEY THOUGHT
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TIONS ON A BILATERAL BASIS IN CAPITALS. ACTION REQUESTED:
COMMENTS BY DEPT AND USBER.
END SUMMARY.

1. IN DISCUSSION OF THE RECOMMENDATIONS, THE FRENCH
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REP (PLAISANT) SAID HIS AUTHORITIES HAD ALREADY DETERMINED THE CONSULAR PRACTICE THEIR EAST BERLIN EMBASSY WOULD FOLLOW, AND GAVE A DESCRIPTION SIMILAR TO THAT OF THE FRENCH NATO REP (REF B). PLAISANT SAID THAT SINCE THE RECOMMENDATIONS IN THE BERLIN DRAFT APPEARED CONSISTENT WITH FRENCH PRACTICE, HE COULD SEE NO OBJECTION TO USING THE BERLIN RECOMMENDATIONS AS BASIS FOR TRIPARTITE AGREEMENT.

2. THE US REP SAID HE HAD NOT RECEIVED INSTRUCTIONS FROM WASHINGTON, BUT EMBASSY AND USBER AGREED WITH FIRST TWO RECOMMENDATIONS (PARAS 1, 2 REF C) WITH THE CAVEAT THAT EAST BERLIN EMBASSIES SHOULD BE GIVEN MORE FLEXIBILITY TO ASSIST MEMBERS OF THE FORCES WHEN THEY TRAVEL TO EAST BERLIN. IT WAS AGREED THAT THIS POINT COULD BE COVERED BY INSERTING THE WORDS " AS A GENERAL RULE" IN THE RECOMMENDATION, WITH THE UNDERSTANDING THAT THIS MEANT ALLIED EMBASSIES COULD GIVE CONSULAR ASSISTANCE TO MEMBERS OF WEST BERLIN GARRISONS IN CASE OF EMERGENCY.

3. WITH REGARD TO ALLIED CONSULAR DIFFERENTIATION BETWEEN EAST GERMANS AND EAST BERLINERS (PARA 3, REF C), CROMARTIE SAID UK EMBASSY BELIEVED IT WOULD NOT BE FEASIBLE TO ATTEMPT ANY DISTINCTION. THE US AND FRENCH REPS AGREED WITH THIS CONCLUSION.

4. SUBSTANCE OF REVISED GUIDELINES FOLLOWS:

(A) EAST BERLIN SHOULD BE A PART OF THE CONSULAR DISTRICT OF THE CONSULAR DEPARTMENTS OF ALLIED EMBASSIES BUT SHOULD APPEAR WHERE POSSIBLE IN ALL INTERNAL AND PUBLIC DOCUMENTS AS DISTINCT FROM THE GDR.

(B) MEMBERS OF THE ALLIED FORCES AND AUTHORITIES IN WEST BERLIN EXERCISING THEIR RIGHTS OF ACCESS TO AND CIRCULATION IN BERLIN-- IN THAT CAPACITY-- SHOULD NOT AS A GENERAL RULE RECEIVE CONSULAR PROTECTION FROM THE CONSULAR DEPARTMENT OF ALLIED EMBASSIES IN EAST BERLIN. SUCH CONSULAR PROTECTION
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TION COULD HOWEVER BE AVAILABLE TO THEM IF THEY WERE TO TRAVEL IN THE GDR IN A PRIVATE CAPACITY (THAT IS TO SAY NOT UNDER FLAG ORDERS ON THE ALLIED GROUND ACCESS ROUTES).

(C) THE CONSULAR DEPARTMENTS OF ALLIED EMBASSIES NEED NOT ATTEMPT TO DIFFERENTIATE BETWEEN EAST

BERLINERS AND THE CITIZENS OF THE GDR IN ISSUING
VISAS.

5. THE BRITISH ALSO CIRCULATED FOLLOWING LANGUAGE
WHICH THEY PLAN TO USE IN RESPONDING TO PUBLIC INQUIRIES
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INTEND TO PUBLISH. BEGIN TEXT: " IN ACCORDANCE WITH
COMMON PRACTICE THE EMBASSY WILL BE UNDERTAKING CONSULAR
FUNCTIONS, AND WILL BE COMPETENT FOR THE WHOLE AREA OF
THE GDR. AS REGARDS BERLIN, HMCN IN BERLIN-
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BRITISH PLACE GREAT IMPORTANCE ON THE DISTINCTION BE-
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6. THE UK REP ALSO PROPOSED THAT THE AGREED GUIDELINES
BE TRANSMITTED TO THREE POWER NATO MISSIONS FOR USE IN
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THE US REP THOUGHT HIS AUTHORITIES WOULD SHARE THIS VIEW.
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C O N F I D E N T I A L SECTION 2 OF 2 BONN 6606

7. EMBASSY COMMENT: AS WITH THE OTHER STUDIES PREPARED IN BERLIN, THE THREE EMBASSIES HERE HAVE AGREED TO RECOMMEND THE CONSULAR RECOMMENDATIONS TO AUTHORITIES AS INFORMAL GUIDELINES WHICH WOULD BE USED AS THE BASIS OF A COMMON POLICY DURING THE EARLY PERIOD OF RELATIONS WITH THE GDR. THEY ARE NOT, HOWEVER, SEEN AS FORMING HARD AND FAST RULES FOR TRIPARTITE PRACTICE. WHEN SEEN ON THIS BASIS, WE BELIEVE THE POINTS PREPARED IN BERLIN AND AGREED IN THE BONN GROUP ARE AN ACCEPTABLE GENERAL STARTING POINT FOR THE THREE POWERS.

8. AS FAR AS THE PROPOSED BRITISH STATEMENT ON CONSULAR JURISDICTION IS CONCERNED, THE IDEA IS THAT WORDING WOULD BE AGREED BY ALL THREE POWERS FOR USE IN RESPONDING TO LETTERS ON THE SUBJECT. WHILE WE APPRECIATE THE BRITISH ATTEMPT TO REACH AGREEMENT ON A FORMULATION WHICH WILL NOT ANGER THE GDR WHILE AT THE SAME TIME PROTECTING OUR LEGAL POSITION, WE WONDER WHETHER THE EFFORT CAN BE SUCCESSFUL OR IN FACT IF IT IS EVEN NECESSARY. THE BRITISH PROPOSAL AS NOW WORDED SEEMS TO US TO BE SO SUBTLE AS TO RISK CAUSING CONFUSION AMONG
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THOSE WHO READ IT. THIS SEEMS TO US TO BE ONE AREA WHERE THE THREE POWERS CAN BE LEFT TO THEIR OWN PRACTICES IN DECIDING HOW TO DESCRIBE THEIR CONSULAR DISTRICTS OR, IN FACT, WHETHER TO DESCRIBE THEM AT ALL.

9. WE ARE ALSO INCLINED TO AGREE WITH THE UK AND FRENCH REPS THAT NO EFFORT SHOULD BE MADE TO DIFFERENTIATE BETWEEN RESIDENTS OF EAST BERLIN AND THE GDR WHEN ISSUING VISAS FROM OUR EMBASSIES IN EAST BERLIN. OUR VIEW IS IN LINE WITH OUR GENERAL FEELING THAT ONCE WE HAVE TAKEN THE STEP OF ESTABLISHING AN EMBASSY IN EAST BERLIN AND HAVE ISSUED THE APPROPRIATE DISCLAIMERS TO PROTECT OUR VIEW OF THE LEGAL STATUS OF GREATER BERLIN, WE SHOULD NOT CONSIDER FURTHER PROTECTIVE STEPS WHICH WILL BRING ONLY MARGINAL LEGAL GAIN AND WILL MOST PROBABLY HAMPER THE ABILITY OF OUR EMBASSY TO CONDUCT ITS BUSINESS. IN THE CASE AT HAND, WE WOULD EXPECT THE EAST GERMANS TO REACT QUITE NEGATIVELY TO THE PLACING OF SUCH A STAMP IN PASSPORTS OF EAST BERLINERS. THE PRACTICAL EFFECTS OF THEIR REACTION COULD BE CORRESPONDING MINOR HARASSMENTS IN PRACTICAL MATTERS WHICH WOULD MAKE EMBASSY OPERATIONS DIFFICULT WITHOUT BRINGING MUCH PRACTICAL GAIN.
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*** Current Handling Restrictions *** n/a
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*** Current Handling Restrictions *** n/a
*** Current Classification *** CONFIDENTIAL

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Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: GDS
Errors: n/a
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30 JUN 2005

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To: BERLIN
EUR
LONDON
MOSCOW
NATO
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Type: TE

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